

REFERENCE TITLE: schools; clubs promoting sexual behavior

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2730**

Introduced by  
Representative Smith

AN ACT

AMENDING SECTIONS 15-720 AND 15-1105, ARIZONA REVISED STATUTES; RELATING TO THE USE OF SCHOOL FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-720, Arizona Revised Statutes, is amended to  
3 read:

4           15-720. Noncurriculum related clubs for grades seven and eight;  
5                           definitions

6       A. It is unlawful for any public school that offers instruction in  
7       grades seven and eight to deny equal access to pupils, to deny a fair  
8       opportunity to pupils or to discriminate against pupils who wish to conduct a  
9       meeting within a limited open forum on the basis of religious content,  
10      political content, philosophical content or other content of speech at these  
11      meetings, EXCEPT THAT IN THE EXERCISE OF THE SCHOOL DISTRICT GOVERNING  
12      BOARD'S AUTHORITY TO PROTECT THE WELL-BEING OF PUPILS AS RECOGNIZED BY  
13      FEDERAL LAW PURSUANT TO 20 UNITED STATES CODE SECTION 4071(f), THE SCHOOL  
14      DISTRICT GOVERNING BOARD SHALL NOT ALLOW ACCESS TO SCHOOL FACILITIES, AN  
15      OPPORTUNITY TO USE SCHOOL FACILITIES OR THE DISTRIBUTION OF LITERATURE IN  
16      SCHOOL FACILITIES BY ANY CLUB OR OTHER GROUP THAT IS FOCUSED ON SUPPORTING,  
17      ASSISTING OR JUSTIFYING ANY LIFESTYLE INVOLVING SEXUAL BEHAVIOR.

18       B. A public school that offers instruction in grades seven and eight  
19       shall be deemed to offer a fair opportunity to pupils who wish to conduct a  
20       meeting within a limited open forum pursuant to this section if the school  
21       policy on noncurriculum group meetings conforms to all of the following:

22           1. The meetings are voluntary and initiated by pupils.

23           2. The meetings are not sponsored by the school, the school district,  
24       the federal government, this state, any of this state's political  
25       subdivisions or any officer or employee of the school, the school district,  
26       the federal government, this state or any of this state's political  
27       subdivisions.

28           3. Employees or officers of the school, the school district, the  
29       federal government, this state or any of this state's political subdivisions  
30       may be present at religious meetings only as nonparticipants.

31           4. The meetings do not materially and substantially interfere with the  
32       orderly conduct of the educational activities of the school.

33           5. Persons who are not officials or employees of the school or the  
34       school district shall not direct, conduct, control or regularly attend the  
35       meetings.

36       C. This section shall not be construed to authorize this state or any  
37       of its political subdivisions to engage in any of the following:

38           1. Influence the form or the content of any prayer or other religious  
39       activity.

40           2. Require any person to participate in prayer or any other religious  
41       activity.

42           3. Spend public monies on noncurriculum group meetings other than the  
43       incidental costs of providing methods to announce the time and location of a  
44       noncurriculum group's meeting to seventh and eighth grade pupils and the  
45       incidental costs of providing the facilities to conduct the meetings.

1       4. Compel any officer or employee of the school or the school district  
2 to attend a noncurriculum group meeting if the content of the speech at the  
3 meeting is contrary to the beliefs of the officer or employee.

4       5. Allow meetings that are unlawful to take place on school property.

5       6. Limit the application of this section to groups of a minimum or  
6 maximum number of pupils.

7       7. Violate the constitutional rights of any person.

8       D. This section shall not be construed to limit the authority of the  
9 school, the school district or the officers or employees of the school or the  
10 school district to:

11      1. Maintain order and discipline on the school premises.

12      2. Protect the safety of pupils and faculty.

13      3. Allow a school officer or employee or a school district officer or  
14 employee to be present at noncurriculum group meetings.

15      4. Ensure that the attendance of pupils at noncurriculum group  
16 meetings is voluntary.

17      E. ~~As used in~~ FOR THE PURPOSES OF this section:

18      1. "Limited open forum" means an offering or opportunity provided by a  
19 school that provides instruction in grades seven and eight for one or more  
20 noncurriculum related groups of pupils to meet on the premises of the school  
21 during lunch periods, before the commencement of the day's regularly  
22 scheduled courses or after the conclusion of the day's regularly scheduled  
23 courses.

24      2. "Noncurriculum" means that the group's activities do not  
25 substantially enhance, extend or reinforce the subject matter of an academic  
26 course that is currently offered at the school.

27      3. "Pupil" means a public school student enrolled in the seventh or  
28 eighth grade.

29      Sec. 2. Section 15-1105, Arizona Revised Statutes, is amended to read:

30      15-1105. Lease of school property; civic center school fund;  
31                   reversion to school plant fund; definitions

32      A. The governing board, or the superintendent or chief administrative  
33 officer with the approval of the governing board, may lease school property,  
34 including school buildings, grounds, buses and equipment, to any person,  
35 group or organization for any lawful purpose, including recreational,  
36 educational, political, economic, artistic, moral, scientific, social,  
37 religious or other civic or governmental purpose in the interest of the  
38 community, including extended day resource programs. The governing board,  
39 superintendent or chief administrative officer shall charge a reasonable use  
40 fee for the lease of the school property, which fee may include goods  
41 contributed or services rendered by the person, group or organization to the  
42 school district. IN THE EXERCISE OF THE SCHOOL DISTRICT GOVERNING BOARD'S  
43 AUTHORITY TO PROTECT THE WELL-BEING OF PUPILS AS RECOGNIZED BY FEDERAL LAW  
44 PURSUANT TO 20 UNITED STATES CODE SECTION 4071(f), THE SCHOOL DISTRICT  
45 GOVERNING BOARD SHALL NOT ALLOW ACCESS TO SCHOOL FACILITIES, AN OPPORTUNITY

1 TO USE SCHOOL FACILITIES OR THE DISTRIBUTION OF LITERATURE IN SCHOOL  
2 FACILITIES BY ANY CLUB OR OTHER GROUP THAT IS FOCUSED ON SUPPORTING,  
3 ASSISTING OR JUSTIFYING ANY LIFESTYLE INVOLVING SEXUAL BEHAVIOR.

4 B. The governing board, or the superintendent or chief administrative  
5 officer with the approval of the governing board, may permit the  
6 uncompensated use of school buildings, grounds, buses, equipment and other  
7 school property by any school related group, including student political  
8 organizations, or by any organization whose membership is open to the public  
9 and whose activities promote the educational function of the school district  
10 as determined in good faith by the school district's governing board, or the  
11 superintendent or chief administrative officer with the approval of the  
12 governing board, including extended day resource programs, except as provided  
13 in section 15-511.

14 C. A person, group or organization that is otherwise eligible to lease  
15 school property shall not be denied use of or charged differentiated fees for  
16 school property on the basis of the ~~person~~ PERSON'S, ~~group~~ GROUP'S or  
17 organization's beliefs, expression of beliefs or exercise of the rights of  
18 association that are protected under the laws of this state, the Constitution  
19 of Arizona, the laws of the United States or the United States Constitution.

20 D. The governing board shall annually approve a fee schedule for the  
21 lease of school property. The fee schedule shall include a designation of  
22 the persons, groups or organizations that shall have uncompensated use of the  
23 school property, and a procedure for determining the value of goods and  
24 services being provided as compensation for the use of school property. The  
25 governing board, superintendent or chief administrative officer shall require  
26 proof of liability insurance for such use or lease of school property.

27 E. Except as provided in section 15-1102, monies received for and  
28 derived from the use or lease of school property under this section shall be  
29 promptly deposited with the county treasurer who shall credit the deposits to  
30 the civic center school fund of the respective school district. Monies  
31 placed to the credit of a civic center school fund may be expended for civic  
32 center school purposes by warrants drawn upon order of the school district  
33 governing board, or the superintendent or chief administrative officer with  
34 the approval of the governing board. The civic center school fund of a  
35 school district or multiple school district civic center school program is a  
36 continuing fund not subject to reversion, except upon termination of a civic  
37 center school program. Upon termination of a civic center school program any  
38 remaining funds shall revert to the school plant fund of the school district  
39 or districts.

40 F. For the purposes of this section:

41 1. "Educational function" means uses that are directly related to the  
42 educational mission of the school district as adopted by the school district  
43 governing board and includes parent-teacher organizations, youth  
44 organizations and school employee organizations.

1       2. "Extended day resource programs" means activities offered on school  
2 property before or after school or at times when school is not customarily in  
3 session for children who are of the age required for kindergarten programs  
4 and grades one through eight. The program may be offered for children who  
5 are of the age required for a kindergarten program or for one grade or for  
6 any combination of kindergarten programs and grades. Activities may include  
7 physical conditioning, tutoring, supervised homework or arts activities.

8       3. "Reasonable use fee" means an amount that is at least equal to the  
9 school district's cost for utilities, services, supplies or personnel that  
10 the school provides to the lessee pursuant to the terms of the lease.